

**REMARKS/ARGUMENTS**

In the Office Action dated May 2, 2005, claims 1-3 and 10 were rejected under 35 U.S.C. Section 103(a) as unpatentable over Yoshioka Japanese Publication number 61-201182(a) in view of Lacey, U.S. patent number 6,459,757. Claims 5, 6, 12 and 13 were rejected under 35 U.S.C. Section 103(a) as unpatentable over Yoshioka and Lacey and further in view of the internet document entitled Designing with Thermo-electric Coolers. Claims 7, 8 and 16-20 were rejected under 35 U.S.C. Section 103(a) as unpatentable over Yoshioka, Lacey, the design guide and further review of Snyder, U.S. patent number 6,249,563. Claims 9 and 14 were rejected under 35 U.S.C. Section 103(a) as unpatentable over Yoshioka and Lacey. Claims 11 and 15 were rejected in the 35 U.S.C. Section 103(a) as unpatentable over Yoshioka and Lacey and in further review of Snyder, U.S. patent 6,249,563.

In response, the Applicant submits that Lacey, U.S. patent number 6,459,757, is not prior art for the present application. The Lacey reference was filed on March 1, 2002, and the parent case of the present application was filed on July 30, 2002. The Lacey reference is therefore prior art only under 35 U.S.C. Section 102(e). The Lacey reference, as can be seen from the front page of the patent, and the present application, as shown in the attached copy of the recordation of the assignment, are each assigned to GE Medical Systems Global Technology Company. The Lacey reference therefore is prior art only under 35 U.S.C. Section 102(e), and was owned by the same assignee as the present application at the time the invention was made. As such, the Lacey reference cannot be used to preclude patentability. See 35 U.S.C. Section 103(c). As each of the rejections of the claims is based at least in part on

Appl. No. 10/716,367  
Response Dated August 2, 2005  
Reply to Office Action of May 2, 2005

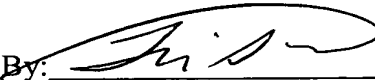
Lacey, the Applicant submits that the claims of the present application cannot be obvious in view of the cited combinations and respectfully requests that the rejection of the claims 1 – 20 be withdrawn.

In view of the foregoing remarks the applicants believe that the application is in condition for allowance and respectfully request that a notice of allowance for claims 1-20 be issued.

The Commissioner is authorized to charge any fees under 37 CFR § 1.17 that may be due on this application to Deposit Account 17-0055. The Commissioner is also authorized to treat this amendment and any future reply in this matter requiring a petition for an extension of time as incorporating a petition for extension of time for the appropriate length of time as provided by 37 CFR § 136(a)(3).

Respectfully submitted,

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JULY 31, 2002

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BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

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DOC DATE: 06/14/2002

## ASSIGNOR:

WICHLACZ, LEE F.

DOC DATE: 06/14/2002

## ASSIGNOR:

SNYDER, DOUGLAS J.

DOC DATE: 06/12/2002

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SERIAL NUMBER: 10064609  
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**PATENT ASSIGNMENT****SUBMISSION TYPE: NEW ASSIGNMENT****APPLICATION NUMBER**

10/064609

**NATURE OF CONVEYANCE: ASSIGNMENT OF ASSIGNOR'S INTEREST****CONVEYING PARTY DATA****Name:** Lacey, Joseph J.**Execution Date:** 06/14/2002**Name:** Wichlacz, Lee F.**Execution Date:** 06/14/2002**Name:** Snyder, Douglas J.**Execution Date:** 06/12/2002**RECEIVING PARTY DATA****Name:** GE Medical Systems Global Technology Company, LLC**Street Address:** 3000 North Grandview Blvd.**Internal Address:****City:** Waukesha**State:** WISCONSIN**Country:****Postal Code:** 53188

The USPTO, Office of Public Records, will send correspondence via facsimile to **FAX NUMBER:** 414-271-3552

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**CUSTOMER NUMBER:** 028382**NAME OF PERSON SIGNING:** Terri S. Flynn**DATE SIGNED:** 07/30/2002**Total Attachments:** 3

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